

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AMAZIN' RAISINS INTERNATIONAL, INC.,

Plaintiff,

v.

OCEAN SPRAY CRANBERRIES, INC.,

Defendant.

Civ. Action No. 04-12679-MLW

JOINT MOTION TO MODIFY THE COURT'S SCHEDULING ORDER

Plaintiff Amazin' Raisins International, Inc. ("ARI") and Defendant Ocean Spray Cranberries, Inc. hereby jointly seek to modify the Court's Scheduling Order to seek an early resolution to the above-captioned matter.

This is a patent infringement action. ARI contends that Ocean Spray's process of making flavored cranberry products infringes a single claim of the patent-in-suit. Ocean Spray denies infringement because it contends that several limitations in the asserted claim are not present in its manufacturing process. Over the past several months, the parties have exchanged written discovery and produced responsive documents. In addition, ARI recently completed an inspection of Ocean Spray's manufacturing facility. The parties believe that a motion for summary judgment on the issue of infringement wherein the disputed limitations would be construed by the Court presents the most efficient way to resolve this matter.

To that end, the parties jointly propose that the Court modify its Scheduling Order to provide the following schedule for motion practice on the issue of infringement as follows:

11/30/05 – Deadline to file summary judgment motions on the issue of infringement

12/21/05 – Deadline to file oppositions to summary judgment motions

01/11/05 – Deadline to file a reply in support of the summary judgment motions

The parties also propose a stay of discovery on the issue of damages and the submission of expert reports until after the summary judgment motions on the issue of infringement are resolved by the Court. If the summary judgment motions do not dispose of the case the parties propose the following schedule, which is based on the date of the Court's ruling on the summary judgment motions:

- + 1 day – Damages discovery begins; Defendants to produce responsive documents subject to objections within two weeks
- + 40 days – Report on prospects of settlement and additional summary judgment motions (currently set for April 7, 2006)
- + 45 days – Close of fact discovery (currently set for March 15, 2006 under the Court's April 29, 2005 Scheduling Order)
- + 50 days – Scheduling Conference (currently set for April 18, 2006)
- + 60 days – Expert Reports for party with burden of proof (currently set for December 15, 2005)
- + 90 days – Rebuttal expert reports (currently set for February 1, 2006)
- + 135 days – Trial ready date

The parties also jointly request a case management conference to discuss this motion and the corresponding schedule, to the extent the Court deems such advisable.

WHEREFORE, ARI and Ocean Spray respectfully request that the Court grant this joint motion to modify the Court's Scheduling Order.

Dated: 11/17/05

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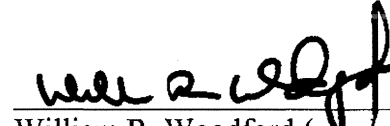
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CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2005, a true and correct copy of the *Joint Motion to Modify the Court's Scheduling Order* was served upon the attorney of record for each party registered for electronic notification via the Court's electronic filing system and via first class mail on the following:

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